

SUPPORT FOR THE AMENDMENT

Claims 1-5, 11, 16-17, 19-20, and 22-30 are pending.

Claims 1, 3, and 30 are amended to include the limitation "50 to 99% by weight of" before the term "a solvent." Support for the numerical range is found on page 3, lines 20-22 of the present Specification and the examples disclosed in Tables 1-2 on page 9.

Claim 1 is also amended to replace the element "silicone oils" to read "polydimethylsiloxanes." Support for this amendment is found on page 3, line 8.

Claims 31-33 are added. Support for new Claims 31-33 is found on page 9, in Tables 1-2.

Upon entry of the Amendment, Claims 1-5, 16-17, 19-20, and 22-33 will be active.

No new matter is believed to be added upon entry of the amendment.

REMARKS

Applicants thank Examiner Gollamudi for conducting the kind and courteous discussion with Applicants' representative, Daniel R. Evans, on November 30, 2005. The content of the discussion is reflected in the amendments to the claims and the following remarks.

The rejections of any one of Claims 1-5, 11, 16-17, 19-20, and 22-30 under 35 U.S.C. § 103(a) over: (1) US '152 in view of US '472; (2) US '152 in view of both US '472 and GB '353; (3) US '152 in view of GB '353; (4) US '611 in view of US '936; (5) US '611 in view of both US '936 and US '016; (6) US '611 in view of both US '936 and US '763; and (7) US '611 in view of US '936, US '763, and US '016 are all respectfully traversed.

It is noted that the outstanding rejections are based on the two primary disclosures US '152 ((1) – (3)) and US '611 ((4) – (7)). However, as explained below, Applicants believe that the amendments to the claims render the presently claimed methods of Claims 1, 3, and 30 unobvious over any combination of the references of record.

For example, the Examiner's attention is directed to the disclosure of US '152, which is directed to a composition used to groom hair. The composition disclosed in US '152 includes an organopolysiloxane containing at least one alkylamino substituent (see US '152 at col. 1, lines 5-11 and col. 2, lines 40ff). The organopolysiloxane disclosed in US '152 is unlike the polydimethylsiloxanes claimed in Claim 1 and the octamethylsiloxane claimed in Claim 30.

Accordingly, Applicants believe that this point alone renders the Claims 1 and 30 unobvious over US '152. In the event that the Examiner is reluctant to agree, Applicants request that she consider that US '152 discloses that "[h]air grooming agents in which dimethylpolysiloxane is used have [a] drawback." This express teaching away is bolstered by the comparative examples disclosed in US '152. For example, the Examiner's attention is directed to comparison composition 1 (see US '152 at col. 5, lines 25-35), in which a

polydimethylsiloxane-based formulation is inferior to an organopolysiloxane having at least one alkylamino substituent in terms of glossiness, suppleness, moist feeling, ease of brushing, and difficulty of dust adhesion (see US '152 at col. 5, line 65 – col. 6, line 9).

Accordingly, in view of the chemical differences between the claimed polydimethylsiloxanes of Claim 1 and the octamethylsiloxane of Claim 30 and the organosiloxane disclosed in US '152 and the express teaching away in US '152, it is believed that Claims 1 and 30, including claims dependent thereon, are unobvious over US '152 and any secondary reference (cf. US '472 and GB '353) relied upon by the Office.

In regard to Claim 3, Applicants note that the combined disclosure of US '152 and GB '353 do not disclose or suggest warming the hair at a prescribed temperature for a prescribed period of time with the hair being covered.

It is respectfully requested that the Examiner acknowledge these differences and withdraw the rejections based on any combination of US '152, US '472, and GB '353.

Concerning the rejections that employ US '611 as a primary reference (see rejections (4) – (7) identified above), it is noted that US '611 requires the presence of a surfactant (see US '611, Abstract, col. 1, line 65).

This is unlike that methods of Claims 1, 3, and 30, in which there is no such requirement for the hair treatment composition that is applied to hair. Since the compositions are dissimilar, it is difficult to make a comparison. However, if one were to attempt such a comparison one must consider that US '611 discloses that the amount of solvent (i.e., alcohol component (b)), does not exceed 40% by weight (see col. 1, line 66). This is unlike that which is presently claimed, in which the amount of solvent ranges from 50 to 99% by weight. It is requested that the Examiner also consider that US '611 discloses that if the proportion "of components (a-1), (b) and (c) fall outside the above preferable ranges, lamella liquid crystal or

liposome structures cannot be formed, which makes it difficult to hold a large amount of silicone oil of component (d-1) stably" (see US '611 at col. 4, lines 34-38). That is, the composition of US '611 is unstable when the solvent exceeds 40wt%. If one were to assert that the composition disclosed in US '611 is similar to the composition of the claimed methods, then one must similarly conclude that the compositions of the presently claimed methods would be unstable. However, this is not the case. Accordingly, it is believed that US '611 does not render any one of Claims 1, 3, and 30 obvious. Furthermore, it is believed that there is no suggestion contained in any one of US '936, US '016, US '763, and US '016 that contradicts the suggestion contained in US '611.

For this reason, it is believed that Claims 1, 3, and 30, and any claims dependent thereon, are unobvious over the references of record. It is respectfully requested that the Examiner acknowledge the same and withdraw the remaining rejections that are based on US '611 as a primary reference.

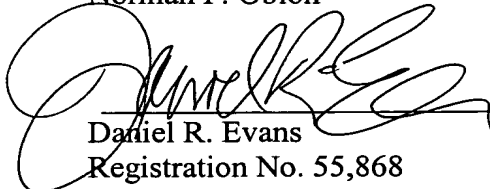
The rejection of Claim 11 under 35 U.S.C. § 112, second paragraph, is now moot upon entry of the amendment, as Claim 11 will no longer be pending. It is respectfully requested that the Examiner withdraw this rejection.

In view of the amendments to the claims and the comments contained herewith, Applicants believe that this application is now in condition for allowance. An early notification of the same is respectfully requested.

Respectfully submitted,

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